

**STATE OF WISCONSIN
DEPARTMENT OF COMMERCE**

In the Matter of the PECFA Appeal Of

Glenn Fluegge
Fluegge Optical Inc.
920 E Main St
Waterford WI 53185-0051

PECFA Claim # 53185-4536-20
Hearing # 99-116

**DISMISSAL DECISION
APPEAL OF LISTED INELIGIBLE COSTS**

The appeal in this matter was filed with the department on April 20, 1999. The department filed a motion to dismiss on September 2, 1999. The undersigned has considered the motion and the supporting documents.

Pursuant to §COMM 47.53(1)(b)2., Wis. Adm. Code, "Appeals of items identified as ineligible, as listed in s. ILHR 47.30(2), shall not be allowed." The administrative law judge in this matter finds that the appellant has appealed a cost that is specifically listed as ineligible in §COMM 47.30(2)(c)3, Wis. Adm. Code, which provides "the following costs may not be reimbursed:...Costs associated with full VOC testing after the investigation phase, unless required by the DNR for monitoring PECFA eligible products and the DNR letter documenting the requirement is submitted with the claim.." He finds that the appellant has not identified any disputed issue of fact as to whether this cost is a specifically listed ineligible item. The administrative law judge therefore concludes that he has no authority to hold a hearing in this matter. Accordingly, the appeal in this matter is hereby dismissed.

<p>This is a final decision of the Department of Commerce. You may request a rehearing pursuant to §227.49, Stats., within 20 days of the date of this decision, by sending your petition to Dennis Kozich, Chief Counsel, Department of Commerce, P.O. Box 7970, Madison, Wisconsin 53707-7970. This decision may be appealed within 30 days of the date of this decision or the date of a decision on a request for rehearing, if any, pursuant to §227.53, Stats. The parties in interest are the Secretary, Department of Commerce, 201 West Washington Ave., 6th Floor, P O Box 7970, Madison, Wisconsin 53707-7970 and the appellant named in the appeal caption above.</p>

Dated and January 26, 2000

Ronal I. Weisbrod
Administrative Law Judge
Department of Commerce

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